

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

RAYMOND CLAY,

Plaintiff,

v.

Civil Action No. 2:19-cv-00903

SINGH BARINDER,
CHANDI TRUCKING, INC., and
SILVER CARGO, INC.

Defendants.

NOTICE OF REMOVAL

Defendants Chandi Trucking, Inc. and Silver Cargo, Inc. by and through their counsel, Sharon Z. Hall, Esquire, and ZIMMER KUNZ, PLLC, hereby file this Notice of Removal of the above-captioned action from the Circuit Court of Roane County, West Virginia, where it is currently pending, to the United States District Court for the Southern District of West Virginia, Civil Division, as provided by Title 28 U.S. Code Chapter 89, stating as follows:

1. This civil action was commenced by Plaintiff Raymond Clay filing a complaint on November 5, 2019, in the Circuit Court of Roane County, West Virginia, docketed at Civil Action No. 19-C-38. Process was served upon Defendant Silver Cargo, Inc. on November 30, 2019, and upon Chandi Trucking, Inc., on December 3, 2019. Defendant Barinder Singh has not been served with process.

2. Accordingly, removal is timely per 28 U.S.C. Section 1446(b), within thirty days of receipt of the summons by both Defendants.

3. This is a civil action in which Plaintiff claims he suffered physical and mental damages as a result of a motor vehicle accident.

4. Plaintiff is a citizen of West Virginia.

5. Defendant Chandi Trucking, Inc. is a California corporation with a principal place of business in Fontana, California; accordingly Chandi Trucking, Inc. is a citizen of California.

6. Defendant Silver Cargo, Inc. is a California corporation with a principal place of business in Fontana, California; accordingly, Silver Cargo, Inc. is a citizen of California.

7. There is diversity of citizenship between the parties. 28 U.S.C. § 1332.

8. The United States District Court for the Southern District of West Virginia has jurisdiction by reason of the diversity of citizenship of the parties, and venue is proper in this judicial district. 28 U.S.C. § 1332(a)(1); 28 U.S.C. § 1391.

9. Plaintiff alleges that he suffered severe, permanent, and disabling injuries, including extreme physical pain and suffering, extreme mental anguish and suffering, permanent physical impairment, loss of wages and benefits, loss of future earning capacity and benefits, loss of capacity to enjoy life, medical expenses, annoyance and inconvenience, and permanent scarring, disfigurement, and range of motion. Plaintiff alleges all of these injuries are both past and future.

10. While the Complaint does not specify the amount of damages Plaintiff seeks, said claims are expected to exceed \$75,000, meeting the threshold required. 28 U.S.C. § 1332(a).

11. Removal from federal court is permissible pursuant to 28 U.S.C. § 141(a).

12. Defendants will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

13. A copy of this notice is being filed with the Clerk of the Circuit Court of Roane County, WV, as required by 28 U.S.C. § 1446(d).

Respectfully submitted,

Chandi Trucking, Inc. and
Silver Cargo, Inc.

By counsel:

/s/ Sharon Z. Hall

Sharon Z. Hall, Esq. (WVSB #9286)

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RAYMOND CLAY,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00903

SINGH BARINDER,
CHANDI TRUCKING, INC., and
SILVER CARGO, INC.

Defendants.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Removal was electronically filed with the Clerk of the Court on this 19th day of December 2019, using the CM/ECF system and mailed to the following individual by depositing the same in the U.S. Mail, postage prepaid.

J. Ryan Stewart, Esq.
D. Blake Carter, Jr., Esq.
BAILEY JAVINS & CARTER, LC
213 Hale Street
Charleston, WV 25301
Counsel for Plaintiff

/s/ Sharon Z. Hall
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